

REMARKS**Telephonic Interview**

The undersigned would like to thank Examiner Hui for conducting a telephonic interview with the undersigned on November 4, 2004. During the interview the status of the claims was clarified and claim amendments were discussed. The Examiner agreed to consider the discussed claim amendments as set forth in the present Amendment After Final. Agreement was reached on the status of the claims as follows:

Claim Status (prior to entry of this Amendment):

Claims 1-13 and 32-36 Pending

Claim 31 Allowed.

Claims 14-30 Cancelled.

Claims 37-40 Withdrawn.

Claim Amendments

Claims 8-11 and 32-40 have been cancelled. Claims 1, 2, 5, 12, 13 have been amended. Claims 41-60 have been newly added. No new matter has been added as a result of these claim amendments.

Claim 1 has been amended to recite that the FXR-mediated pathological condition is selected from hypercholesterolemia and hyperlipoproteinemia. Support for this amendment can be found at page 12, lines 15-18 of the specification. Claims 2 and 5 have been amended to correct typographical errors, thereby providing proper antecedent basis. Claims 12 and 13 have been amended to depend from Claim 1 in view of the cancellation of Claim 11.

Support for newly added Claims 41 and 47 can be found in original Claim 38. Support for newly added Claims 42 and 48 can be found in original Claim 39. Support for newly added Claims 43 and 49 can be found in original Claim 40. Support for newly added Claims 50-55 can be found in original Claims 2-7, respectively. Support for newly added Claims 44 and 56 can be found at FIG. 5B, Structure 10. Support for newly added Claims 45 and 57 can be found at FIG. 5C, Structure 22. Support for newly added Claims 46 and 58 can be found at FIG. 5C Structure 23. Support for newly added Claims 59 and 60 can be found at page 58, Compound 19.

Rejection of Claim 1-13 Under 35 U.S.C. § 112, First Paragraph

The Examiner has rejected Claims 1-13 under 35 U.S.C. § 112, first paragraph. The Examiner stated that while the specification is enabling for dyslipidemia, hypercholesterolemia or hypocholesterolemia, it does not reasonably provide enablement for other FXR-mediated pathological conditions.

This rejection was discussed during the telephonic interview referred to above. In the interview it was decided that the rejection would be overcome by amending Claim 1 to recite specific FXR-mediated diseases. In accordance with this decision, Claim 1 has been amended to recite that the FXR-mediated pathological condition is selected from hypercholesterolemia and hyperlipoproteinemia.

Withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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